MONTANA LEGISLATIVE HISTORY

Chapter 178 1995

Bill H 208 S _____ Original bill & history ____C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Jan 25	✓ C	Hearing Date(s) Feb 28	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Jan 25	✓ C	Feb 28	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/02	2ND READING CONCURRED	49	0
3/03	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 111		
	EFFECTIVE DATE: 03/10/95—SECTIONS 1-3, 5-7, 9-13		
	EFFECTIVE DATE: 07/01/95—SECTIONS 4 & 8		

HB 206 INTRODUCED BY J. JOHNSON, ET AL.

AUTHORIZE TRUSTEES OF A SCHOOL DISTRICT TO IMPOSE A PERMISSIVE LEVY TO PAY THE ALLOWABLE COSTS OF A DAY TREATMENT PROGRAM FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO TAXATION		
1/16	FISCAL NOTE REQUESTED		
1/23	FISCAL NOTE RECEIVED		
1/23	FISCAL NOTE PRINTED		
1/25	HEARING		
2/01	TABLED IN COMMITTEE		
3/29	MISSED TRANSMITTAL DEADLINE FOR 71ST DAY		
	DIED IN COMMITTEE		

HB 207 INTRODUCED BY BARNETT, ET AL.

PROHIBIT MERGER OF A STATE-CHARTERED BANK OR NATIONAL BANK WITH ITS MAIN OFFICE IN THIS STATE AND AN OUT-OF-STATE BANK

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO BUSINESS & LABOR		
1/20	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED		
1/28	2ND READING PASSED AS AMENDED	94	1
1/30	3RD READING PASSED	98	1
	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO BUSINESS & INDUSTRY		
2/06	HEARING		
3/01	TABLED IN COMMITTEE		
3/15	TAKEN FROM COMMITTEE AND		
	PLACED ON 2ND READING	28	22
3/16	2ND READING CONCURRED	26	24
3/17	3RD READING FAILED	24	26

HB 208 INTRODUCED BY COBB

IMPLEMENT THE PUBLIC'S CONSTITUTIONAL RIGHT TO KNOW BY PROVIDING FOR PUBLIC ACCESS TO INFORMATION RELATING TO CIVIL AND CRIMINAL SANCTIONS IMPOSED FOR GAMBLING LAW VIOLATIONS

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO JUDICIARY		
1/25	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED		
1/28	2ND READING PASSED	96	1
1/30	3RD READING PASSED	96	1

	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO JUDICIARY		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/07	2ND READING CONCURRED	49	0
3/08	3RD READING CONCURRED	46	2
	RETURNED TO HOUSE		
3/11	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 178		
	EFFECTIVE DATE: 03/21/95		

HB 209 INTRODUCED BY COBB

REVISE MONTANA STATE INCOME TAX BY PROVIDING A MINIMUM STANDARD DEDUCTION, ADJUSTED TO THE 1980 INFLATION FACTOR, AND BY INCREASING THE MINIMUM INCOME FILING REQUIREMENT

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO TAXATION		
1/16	FISCAL NOTE REQUESTED		
1/18	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/25	HEARING		
2/10	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	48	49
3/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/18	2ND READING PASSED AS AMENDED	97	2
3/20	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
3/21	REVISED FISCAL NOTE PRINTED		
3/21	FIRST READING		
3/21	REFERRED TO TAXATION		
3/27	HEARING		
3/30	COMMITTEE REPORT—BILL CONCURRED		
4/07	2ND READING CONCURRED	45	0
4/08	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/10	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 435		
	EFFECTIVE DATE: 10/01/95		

HB 210 INTRODUCED BY PAVLOVICH, ET AL.

PROVIDE PROCEDURE TO APPOINT A CORPORATE TRUSTEE OF THE PERMANENT TRUST FUND FOR THE CARE, MAINTENANCE, AND IMPROVEMENT OF THE FIRST SPECIAL SERVICE FORCE MEMORIAL MONUMENT

1/14	INTRODUCED
1/14	FIRST READING
1/14	REFERRED TO STATE ADMINISTRATION
1/18	HEARING
1/18	COMMITTEE REPORT—BILL PASSED
1/18	PLACED ON CONSENT CALENDAR

Closing by Sponsor:

REP. EWER reiterated the point that there is a process in place through current law providing for the appropriate and proper dissemination regarding the criminal justice system. The intent of this bill is to augment that to include gambling.

HEARING ON HB 208

Opening Statement by Sponsor:

REP. JOHN COBB, HD 50, said HB 208 is basically a disclosure of information change which would impact the gambling industry by allowing disclosure of illegal activity just as now exists for other violations such as a DUI.

{Tape: 1; Side: A; Approx. Counter: 24.2}

Proponents' Testimony:

Beth Baker, Department of Justice, supported the bill by stating that it is consistent with the open records policy of state government. The bill would make the gambling division's records consistent with the rest of the agency; i.e., unless it is confidential criminal justice information or protected by some other privacy interests, the records are open to the public.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. JOAN HURDLE desired confirmation that HBs 208 and 173 coordinate.

Ms. Baker said that there would not be any conflict.

Closing by Sponsor:

REP. COBB closed.

HEARING ON HB 177

Opening Statement by Sponsor:

REP. DEB KOTTEL, HD 45, described HB 177 as changing the manner of performing court administration. She explained how cases are currently processed in the various levels of the court system. The bill intends to cut out one layer of trial which would reduce costs through establishing justice courts as courts of record. Currently no transcript is taken of what occurs in a justice

REP. DUANE GRIMES believed there would be some language change in HB 173 to make it fit. He went on to explain and felt they should be considered separately.

REP. CURTISS said it had long been recognized that organized crime as a huge stake in the gambling industry and felt that this effort would help the Attorney General's office to address problems.

Vote: **Motion carried unanimously by voice vote, 16-0.**

EXECUTIVE ACTION ON HB 208

Motion/Vote: **REP. SHEA MOVED HB 208 DO PASS. The motion carried unanimously by voice vote, 17-0.**

EXECUTIVE ACTION ON HB 198

Motion: **REP. SHEA MOVED HB 198 DO PASS.**

Motion: **REP. MC GEE MOVED TO AMEND ON PAGE 2, LINE, 2, AFTER THE WORDS, "A FEE," STRIKE "OF," INSERT, "NOT TO EXCEED $200 TO BE DETERMINED BY THE COURT."**

Discussion: **REP. ANDERSON** thought that if they amended the bill in that fashion, they would allow the courts to forget the hassle about imposing a fee on these people and wondered if the $25 minimum amount should remain so they could at least assess the $5 fee.

REP. MC GEE said it was a good point, but described his intent in raising the minimum to compensate for some of the administrative costs to probation/parole.

CHAIRMAN CLARK said that it goes to general fund.

REP. HURDLE reiterated **REP. BOHARSKI'S** concern that this money is earmarked to go to county attorneys' offices.

REP. BOHARSKI asked the sponsor to state the intent of the bill.

REP. AHNER said the intent was for the victim.

REP. GRIMES asked if there are other fees similar which apparently give the district court judge discretion to set the total cost and would they have to write administrative rules to determine what that would be.

REP. MC GEE withdrew his motion.

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL DATE 1/25/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 208** (first reading copy -- white) **do pass**.

Signed: Bob Clark

Bob Clark, Chair

1-25

Committee Vote:
Yes 17, No 0.

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE 1-25-95

BILL NO. HB 208 SPONSOR(S) Rep. Cobb

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Beth Baker	Dept of Justice	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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They had not had any problems getting information from other states, she said, except for the fact that they were unable to reciprocate. The memoranda of agreement between gaming agencies specifically provides for reciprocal exchanges of information. She said they could go to court if the other party resists the exchange of the information. She thought the law was broad enough to allow them to get just about any information they requested.
SENATOR BAER asked then if they already had a reciprocal procedure built-in to the process already. **Ms. Baker** said that they did.

CHAIRMAN CRIPPEN asked about Line 25, Page 1, which referred to the disclosure of the information complying with the law of the jurisdiction, he asked if she was talking about the jurisdictions requesting the information? **Ms. Baker** said it was correct. She said that, for example, they would request an agency of the State of Nevada, to let them know that their law allows them to gather the information about the applicant and provide a citation or copy of the relevant authorizing statute. **CHAIRMAN CRIPPEN** asked further, why had they not seen this problem before? **Beth Baker** stated that when the gambling regulation was centralized and sent to the Department of Justice in 1989, there were a lot of concerns about disclosure of proprietary information. As they have come along in the process, both the licensed applicants and the regulators have realized that a free flow of information is helpful to everybody concerned in terms of the licensing process. She said for instance, they could not even comply with a request for a letter of good standing because they cannot disclose that information. The **Chairman** said it would go a lot further. **Ms. Baker** said it would not affect the vast majority of Montana licensees because most of the information that is restricted now pertains to the applicants from outside the state.

Closing by Sponsor:

REPRESENTATIVE EWER closed on HB 173 without further comment.

HEARING ON HB 208

Opening Statement by Sponsor:

REPRESENTATIVE JOHN COBB, Augusta, House District 50, sponsored HB 208. He said the bill would allow certain information relating to civil and criminal sanctions to be made public. The bill deals with gambling violations, 23-5-116 and that whole chapter. What happens presently, he said, is if there was a violation and people were fined, the information could not be given out. All that could be made public is the name and address of the business, ownership and the type of permits requested. The bill was worked on by the Legislative Council, Auditors, and the Department of Justice. The bill would allow that information to be given out upon request. Many thought it was contained within the law presently, but the law seems to imply that the

information cannot be given out. The bill would clarify that the information is available and would be good public policy to make this known.

Proponents' Testimony:

Beth Baker, representing the Department of Justice, said that **REPRESENTATIVE COBB** brought this bill independently of the bill heard previously, but they agreed that the bill was a good idea. It would make gambling information consistent with all the other information handled by the Department of Justice. Now, she said, everything they do is open to public inspection with the exception of confidential criminal justice information and other things specifically protected by privacy rights. This bill would make records of the Gambling Control Division consistent with the rest. She urged their concurrence.

Mike Voeller, represented Lee Newspapers of Montana. They supported HB 208, he said. The bill does what he had thought was already the law. He commended the sponsor for his effort and supported the bill.

Ellen Engstedt, representing Don't Gamble With The Future, said that one of the goals of her organization was the proper regulation of gambling currently legal in Montana. She thought that HB 208 would give the Department of Justice another regulatory tool to properly do its job. She urged support.

Charles W. Walk, Executive Director of the Montana Newspapers Association, which represents 75 Montana newspapers including all 11 dailies and 64 weeklies said that one of the reasons for their existence is to support increased legislation of awareness and knowledge to the public. They felt the bill would meet that criteria. It would increase the knowledge of past violations and penalties of persons seeking gambling licenses in Montana and they thought it would be entirely appropriate. He urged their support of the bill.

David Hemion, represented the Montana Association of Churches. He said that one of the positions that the association has on gambling is that the legislature and the public should have a full understanding of the impacts of gambling and take it into account in developing public policy. They supported HB 208.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

CHAIRMAN CRIPPEN told **Mr. Walk** that he had answered his question of, "who wants this legislation?" Then he realized the newspapers wanted the information. He asked if it was information he had tried to gain in the past and had been unable

to do so? **Mr. Walk** said that was true. He said they had made several efforts since the 1989 session regarding the disclosure of information. He said it was in everyone's best interest.

Closing by Sponsor:

REPRESENTATIVE COBB said that he did not bring this bill to the committee for the newspapers. The point of the audit, he said, was the concern that if the public learned of illegal chips in the machines, they would react very quickly in deciding whether or not to go to that gambling establishment.

HEARING ON HB 135

Opening Statement by Sponsor:

REPRESENTATIVE JOHN COBB, House District 50, Augusta, opened HB 135. He said the bill would require the Attorney General to represent the state in bankruptcy proceedings in which the state interest may be affected. It would have a termination date and if they didn't receive the funding for the new staff, they won't be able to do it, he said. Right now, he stated, each Executive Branch agency is responsible for collecting its own receivables and involves many disputes with bankrupt debtors. He said there were many lawyers in the agencies who were not specialists in bankruptcy laws, trying to collect money. **REP. COBB** said it would be helpful in looking at other states as they are starting to form a bankruptcy unit that actually works for the Attorney General. They were finding they were saving more money by consolidating into one unit. Texas alone collected over $30 million in one year. Specialized attorneys would be cheaper than going outside to hire private lawyers. He gave an example of the Board of Investments who is involved in a $25 million dollar suit in an Orange County, California bankruptcy court. He said they would have to hire outside attorneys. If the unit were in the Attorney General's office, they could have the background work done ahead of time and get the work done cheaper. If the funding is not available in House Bill 2, the sponsor said, then they will not implement the bill. In addition, the bill would sunset in two years if it is shown they cannot save money for the state.

Proponents' Testimony:

Chris Tweeten, Chief Deputy Attorney, representing the Department of Justice, said both **Governor Racicot and Attorney General Joseph Mazurek,** made a point of asking the people of Montana to put them into office so they could improve the efficiency by which they could deliver legal services to state agencies in government. He said the bill was a result of a study of legal services and there would be a report forthcoming any day. One of the recommendations will be the implementation of the proposal. He submitted written testimony. **(EXHIBIT 3).**

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 2-28-95

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN, CHAIRMAN	✓		
LARRY BAER	✓		
SUE BARTLETT	✓		
AL BISHOP, VICE CHAIRMAN	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
LORENTS GROSFIELD	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
LINDA NELSON	✓		

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SENATE STANDING COMMITTEE REPORT

February 28, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 208 (third reading copy -- blue), respectfully report that HB 208 be concurred in.

Signed: _____
Senator Bruce Crippen, Chair

Amd. Coord.
Sec. of Senate

Jurgeson
Senator Carrying Bill

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DATE FEBRUARY 28, 1995

SENATE COMMITTEE ON JUDICIARY

BILLS BEING HEARD TODAY: HB 135, HB 208, HB 173, HB 174, HB 175

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Check One

Name	Representing	Bill No.	Support	Oppose
Beth Bakes	Dept of Justice	208 173	✓	
Dave Woodgerd	Dept. of Revenue	HB 135	✓	
Bob Gilbert	MT Ass'n Clerks & D. Courts	HB 174	✓	
Mike Voeller	Lee Newspapers of Mont	HB 208	✓	
Charles W. Wallace	MT Newspaper Assn	HB 208	✓	
Dennis Casey	GIA	HB 173	✓	
Nancy Sweeney	Lewis & Clark County Clerk of District Courts	HB 174	✓	
Patrick A. Chenovick	Montana Supreme Ct	HB 175	✓	
Ellen Engstedt	Don't Gamble with the Future	208 173	✓	
David Hunter	MT Assoc. of Churches	208 173	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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